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Attorney for Defendant

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

G & G Closed Circuit Events, LLC

Plaintiff(s),

Civil Action No. 1:20-cv-2936-PKO-JO

vs.

David Morales, individually and d/b/a
Blue Agave; and Blue Agave Restaurant
Bar Crop., an unknown business entity
d/b/a Blue Agave

**ANSWER TO COMPLAINT,
SEPARATE DEFENSES, AND
CERTIFICATION OF SERVICE**

Defendant(s),

Defendant David Morales, individually and d/b/a Blue Agave, with the address
of 7201 16th Avenue, Brooklyn, NY 11204 says:

JURISDICTION

1. Defendant neither admits nor denies this allegation in paragraph 1 of the Complaint.
2. Defendant neither admits nor denies this allegation in paragraph 2 of the Complaint.
3. Defendant neither admits nor denies this allegation in paragraph 3 of the Complaint.

VENUE AND INTRADISTRICT ASSIGNMENT

4. Defendant neither admits nor denies this allegation in paragraph 4 of the Complaint.
5. Defendant neither admits nor denies this allegation in paragraph 5 of the Complaint.

THE PARTIES

6. Defendant neither admits nor denies this allegation in paragraph 6 of the Complaint.
7. Defendant neither admits nor denies this allegation in paragraph 7 of the Complaint.
8. Defendant neither admits nor denies this allegation in paragraph 8 of the Complaint.
9. Defendant neither admits nor denies this allegation in paragraph 9 of the Complaint.
10. Defendant neither admits nor denies this allegation in paragraph 10 of the Complaint.
11. Defendant neither admits nor denies this allegation in paragraph 11 of the Complaint.
12. Defendant denies this allegation in paragraph 12 of the Complaint.
13. Defendant denies this allegation in paragraph 13 of the Complaint.
14. Defendant denies this allegation in paragraph 14 of the Complaint.
15. Defendant denies this allegation in paragraph 15 of the Complaint.
16. Defendant denies this allegation in paragraph 16 of the Complaint.
17. Defendant denies this allegation in paragraph 17 of the Complaint.

FACTUAL BACKGROUND

18. Defendant repeats and realleges each and every forgoing allegation as if set forth at length herein.

19. Defendant neither admits nor denies this allegation in paragraph 19 of the Complaint.
20. Defendant neither admits nor denies this allegation in paragraph 20 of the Complaint.
21. Defendant neither admits nor denies this allegation in paragraph 21 of the Complaint.
22. Defendant neither admits nor denies this allegation in paragraph 22 of the Complaint.
23. Defendant neither admits nor denies this allegation in paragraph 23 of the Complaint.
24. Defendant neither admits nor denies this allegation in paragraph 24 of the Complaint.
25. Defendant neither admits nor denies this allegation in paragraph 25 of the Complaint.
26. Defendant denies this allegation in paragraph 26 of the Complaint.
27. Defendant denies this allegation in paragraph 27 of the Complaint.
28. Defendant neither admits nor denies this allegation in paragraph 28 of the Complaint.

COUNT I

(Violation of Title 47 U.S.C. Section 605)

29. Defendant repeats and realleges each and every forgoing allegation as if set forth at length herein.
30. Defendant denies this allegation in paragraph 30 of the Complaint.
31. Defendant denies this allegation in paragraph 31 of the Complaint.
32. Defendant denies this allegation in paragraph 32 of the Complaint.
33. Defendant denies this allegation in paragraph 33 of the Complaint.

34. Defendant neither admits nor denies this allegation in paragraph 34 of the Complaint.

35. Defendant denies this allegation in paragraph 35 of the Complaint.

36. Defendant denies this allegation in paragraph 36 of the Complaint.

37. Defendant denies this allegation in paragraph 37 of the Complaint.

- a. Defendant denies this allegation in paragraph 37(a) of the Complaint.
- b. Defendant denies this allegation in paragraph 37(b) of the Complaint.
- c. Defendant denies this allegation in paragraph 37(c) of the Complaint.

COUNT II

(Violation of Title 47 U.S.C. Section 553)

38. Defendant repeats and realleges each and every forgoing allegation as if set forth at length herein.

39. Defendant neither admits nor denies this allegation in paragraph 39 of the Complaint.

40. Defendant denies this allegation in paragraph 40 of the Complaint.

41. Defendant denies this allegation in paragraph 41 of the Complaint.

42. Defendant denies this allegation in paragraph 42 of the Complaint.

43. Defendant denies this allegation in paragraph 43 of the Complaint.

44. Defendant denies this allegation in paragraph 44 of the Complaint.

45. Defendant denies this allegation in paragraph 45 of the Complaint.

- a. Defendant denies this allegation in paragraph 45(a) of the Complaint.
- b. Defendant denies this allegation in paragraph 45(b) of the Complaint.
- c. Defendant denies this allegation in paragraph 45(c) of the Complaint.
- d. Defendant denies this allegation in paragraph 45(d) of the Complaint.

SEPARATE DEFENSES

FIRST SEPARATE DEFENSE

Plaintiff has failed to state a claim upon which relief can be entered. Defendant reserves his right to produce proofs until Plaintiff submits its initial proofs and carry its burden of stating a claim and burden of production.

SECOND SEPARATE DEFENSE

Plaintiff lacks standing to bring this action. Defendant reserve his right to produce proofs until Plaintiff submits its initial proofs and burden of stating a claim.

THIRD SEPARATE DEFENSE

Plaintiff's claim is barred by the Statute of Limitations. Defendant reserves his right to produce proofs until Plaintiff submits its initial proofs and burden of stating a claim.

FOURTH SEPARATE DEFENSE

Plaintiff's claim is barred by the Doctrine of Accord and Satisfaction.

FIFTH SEPARATE DEFENSE

Defendant did not execute the documents to some of the documents referenced in the Plaintiff's Complaint. Defendants reserve his right to produce proofs until Plaintiff submits its initial proofs and burden of stating a claim.

SIXTH SEPARATE DEFENSE

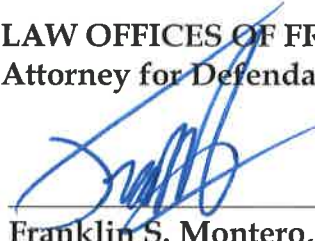
Plaintiff is guilty of unclean hands.

DEMAND FOR TRIAL BY JURY

Defendants demand trial by jury as to all issues.

Respectfully submitted,

LAW OFFICES OF FRANKLIN S. MONTERO, LLC
Attorney for Defendant



Dated: August 7, 2020

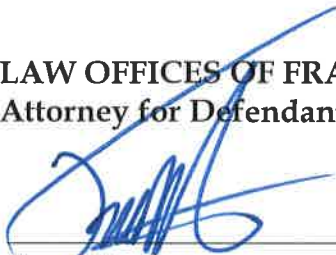
Franklin S. Montero, Esq.

CERTIFICATION OF SERVICE

I HEREBY CERTIFY that on August, 7 2020, I transmitted a copy of the within Answer to the Plaintiff through its Attorney Joseph P. Loughlin, 461 Broadway, PO Box 948, Monticello, NY 12701 via Priority Mail.

Respectfully submitted,

LAW OFFICES OF FRANKLIN S. MONTERO, LLC
Attorney for Defendant



Dated: August 7, 2020

Franklin S. Montero, Esq.